



**Terry Tamminen**  
Secretary for  
Environmental  
Protection

# California Regional Water Quality Control Board

## Los Angeles Region

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Jeff Pratt  
Ventura County Watershed Protection District  
800 South Victoria Avenue  
Ventura, CA 93009-1610

### **WATER QUALITY CERTIFICATION FOR PROPOSED ARROYO SIMI CHANNEL IMPROVEMENTS, STOW STREET TO YOSEMITE AVENUE PROJECT (Corps' Project No. 2004-00567-AJS), ARROYO SIMI, CITY OF SIMI VALLEY, VENTURA COUNTY (File No. 04-031)**

Dear Mr. Pratt:

Regional Board staff has reviewed your request on behalf of the Ventura County Watershed Protection District (District) for a Clean Water Act Section 401 Water Quality Certification for the above-referenced project. Your application was deemed complete on March 5, 2004.

I hereby issue an order certifying that any discharge from the referenced project will comply with the applicable provisions of sections 301 (Effluent Limitations), 302 (Water Quality Related Effluent Limitations), 303 (Water Quality Standards and Implementation Plans), 306 (National Standards of Performance), and 307 (Toxic and Pretreatment Effluent Standards) of the Clean Water Act, and with other applicable requirements of State law. This discharge is also regulated under State Water Resources Control Board Order No. 2003 - 0017 - DWQ, "General Waste Discharge Requirements for Dredge and Fill Discharges that have received State Water Quality Certification" which requires compliance with all conditions of this Water Quality Certification.

The Applicant shall be liable civilly for any violations of this Certification in accordance with the California Water Code. This Certification does not eliminate the Applicant's responsibility to comply with any other applicable laws, requirements and/or permits.

Should you have questions concerning this Certification action, please contact Valerie Carrillo, Lead, Section 401 Program, at (213) 576-6759.

\_\_\_\_\_  
[Original signed by]  
Dennis A. Dickerson  
Executive Officer

\_\_\_\_\_  
April 27, 2004  
Date

### **California Environmental Protection Agency**

\*\*\*The energy challenge facing California is real. Every Californian needs to take immediate action to reduce energy consumption\*\*\*  
\*\*\*For a list of simple ways to reduce demand and cut your energy costs, see the tips at: <http://www.swrcb.ca.gov/news/echallenge.html>\*\*\*



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## DISTRIBUTION LIST

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## ATTACHMENT A

### Project Information

File No. **04-031**

1. Applicant: Ventura County Watershed Protection District  
800 S. Victoria Avenue  
Ventura, CA 93009-1610  
  
Phone: (805) 654-2040      Fax: (805) 654-3350
2. Applicant's Agent: Theresa Stevens  
Ventura County Watershed Protection District  
800 S. Victoria Avenue  
Ventura, CA 93009-1610  
  
Phone: (805) 477-7139      Fax: (805) 654-3350
3. Project Name: Arroyo Simi Channel Improvements, Stow Street to Yosemite Avenue
4. Project Location: City of Simi Valley, Ventura County  
  
Longitude: 118° 44"; Latitude: 34° 16'
5. Type of Project: Flood control improvement
6. Project Description: *Purpose:*  
The objective of the project is to increase the capacity of the channel and culvert along this reach to contain the 100-year flood event. Under current conditions, the FEMA floodplain and floodway boundaries extend beyond the boundaries of the channel. With the proposed channel improvements, the floodplain and floodway will be contained in the channel.  
  
*Description:*  
The project reach contains a uniform, concrete trapezoidal channel with a top width of 34 feet and a bottom width of about 18 feet. The depth of the channel is about 8 feet. Gravel access roads about 13 feet wide occur on both sides of the channel. A four-foot high chain link fence is located along the outer edge of the roads. The existing channel lining will be completely removed and replaced with a rectangular concrete channel that will be 42 feet wide.

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This channel reach is in an area with very limited right of way (60 feet wide). Therefore, the District could not widen the channel enough to contain the 100-year flood to meet FEMA criteria with a soft-bottom channel unless homes in the vicinity were removed. The project design eliminates an existing access road on one side of the channel and only provides for a 12.5-foot wide access road on the other side in order to meet the hydraulic design requirements. This channel replaces an existing concrete channel with residential homes directly behind the channel on either side.

A 12.5-foot wide asphalt road will be constructed on the north side of the channel. A concrete pad, about 4.5 feet wide, will be constructed on the south side of the channel. The existing chain link fence will be removed and replaced with a new District-owned 5-foot high chain link fence along the District's right of way. All private fences, retaining walls, trees, and shrubbery will remain intact and will not be disturbed during construction.

The existing concrete road providing access to the channel from Arroyo Stow Park will be extended 170 feet, which will require acquisition of an additional flood control access easement from the Rancho Simi Recreation and Park District. Work in and near Arroyo Stow Park will result in the loss of one large sycamore tree and the relocation of one small sycamore tree. Following construction, the District will replace the large sycamore tree and disturbed turf, and relocate the small sycamore tree in coordination with the Rancho Simi Recreation and Park District. No native habitat will be removed because the existing reach consists of a fully lined concrete channel.

#### *Project Impacts:*

The project will temporarily affect 0.55 acre of existing non-wetland "waters of the United States," consisting of a man-made concrete channel that is devoid of habitat.

- |  |  |
|--|--|
| 7. Federal<br>Agency/Permit:               | U.S. Army Corps of Engineers<br>NWP Nos. 33 & 41 (Permit No. 2004-00567-AJS) |
| 8. Other Required<br>Regulatory Approvals: | California Department of Fish and Game<br>Streambed Alteration Agreement     |

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| California Environmental Quality Act (CEQA) Compliance:              | The Ventura County Watershed Protection District Board of Supervisors approved the project's Final Mitigated Negative Declaration on March 2, 2004 (SCH No. 2003121152).   |
| 10. Receiving Water:   | Arroyo Simi, tributary of Arroyo Las Posas (Hydrologic Unit No. 403.67)  |
| 11. Designated Beneficial Uses:                                      | MUN, IND, GWR, FRSH, REC-1, REC-2, WARM, WILD.   |
| 12. Impacted Waters of the United States:                            | Non-wetland waters (concrete-lined channel): 0.55 temporary acres  |
| 13. Dredge Volume:   | The existing concrete channel bottom, which is located below the plane of the ordinary high water mark, will be replaced and widened with additional concrete. The total estimated volume of concrete on the channel bottom is about 2,000 cubic yards, based on a lining thickness of 12 inches.  |
| 14. Related Projects Implemented/to be Implemented by the Applicant: | The District completed a similar project in 2001 in a reach of the channel that is immediately downstream from the proposed project site. No other projects in this area are presently proposed or considered by the District.   |
| 15. Avoidance/Minimization Activities:                               | <p>The Applicant has proposed to implement several Best Management Practices (BMPs), including, but not limited to, the following:</p> <ul style="list-style-type: none"><li>• The proposed project will be constructed during the period May 2004 through December 2004 when flows are minimal to absent.</li><li>• BMP recommendations provided by California Department of Fish and Game in the Streambed Alteration Agreement will be implemented.</li></ul> |

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- A temporary by-pass system will be provided if there are nuisance flows in the channel. By-passed flows must be free of any construction-related pollution.
- Any water generated from construction site will be discharged to the City sewer system and will not be discharged into the channel.
- As nuisance flows are encountered, the District will work with the City of Simi Valley to identify the source of the flows and address them in accordance with the provisions of the Stormwater Urban Impact Mitigation Plan (SQUIMP).
- Groundwater will be encountered during excavations for the channel and bridge culvert. Hence, the District will install and operate a dewatering operation using portable pumps and hoses to discharge groundwater downstream. The District would discharge groundwater to the City of Simi Valley sewer system, using manholes adjacent to the channel.
- Several measures recommended by the Ventura County Air Pollution Control District (VCAPCD) have been incorporated into the project to minimize temporary project related fugitive dust, and construction equipment ozone precursor production.

16. Proposed  
Compensatory  
Mitigation:

The Applicant has not proposed any compensatory mitigation due to the temporary nature of impacts associated with the project and the location of the project within a concrete lined channel.

The project activities are to replace the failing concrete channel, which is devoid of vegetation. The channel cross-section and capacity will not be modified by the project.

Since the project impacts are temporary in nature, the Regional Board will not require any additional compensatory mitigation.

## ATTACHMENT B

### Conditions of Certification File No. 04-031

#### STANDARD CONDITIONS

Pursuant to §3860 of Title 23 of the California Code of Regulations (23 CCR), the following three standard conditions shall apply to this project:

1. This Certification action is subject to modification or revocation upon administrative or judicial review, including review and amendment pursuant to §13330 of the California Water Code and Article 6 (commencing with 23 CCR §3867).
2. This Certification action is not intended and shall not be construed to apply to any activity involving a hydroelectric facility and requiring a Federal Energy Regulatory Commission (FERC) license or an amendment to a FERC license unless the pertinent Certification application was filed pursuant to 23 CCR Subsection 3855(b) and the application specifically identified that a FERC license or amendment to a FERC license for a hydroelectric facility was being sought.
3. Certification is conditioned upon total payment of any fee required pursuant to 23 CCR Chapter 28 and owed by the Applicant.

#### ADDITIONAL CONDITIONS

Pursuant to 23 CCR §3859(a), the Applicant shall comply with the following additional conditions:

1. The Applicant shall submit to this Regional Board copies of any other final permits and agreements required for this project, including, but not limited to, the U.S. Army Corps of Engineers' Section 404 Permit and the California Department of Fish and Game's Streambed Alteration Agreement. **These documents shall be submitted prior to any discharge to waters of the State.**
2. The Applicant and all contractors employed by the Applicant shall have copies of this certification, the approved maintenance plan, and all other regulatory approvals for this project on site at all times so they are familiar with all conditions set forth.
3. Fueling, lubrication, maintenance, operation, and storage of vehicles and equipment shall not result in a discharge or a threatened discharge to waters of the State. At no time shall the Applicant use any vehicle or equipment which leaks any substance that may impact water quality. Staging and storage areas for vehicles and equipment shall be located outside of waters of the State.

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### Conditions of Certification File No. 04-031

4. No construction material, spoils, debris, or any other substances associated with this project that may adversely impact water quality standards, shall be located in a manner which may result in a discharge or a threatened discharge to waters of the State.
5. The Applicant shall implement all necessary control measures to prevent the degradation of water quality from the proposed project in order to maintain compliance with the Basin Plan. The discharge shall meet all effluent limitations and toxic and effluent standards established to comply with the applicable water quality standards and other appropriate requirements, including the provisions of Sections 301, 302, 303, 306, and 307 of the Clean Water Act. This Certification does not authorize the discharge by the applicant for any other activity than specifically described in the 404 Permit.
6. The discharge shall not: a) degrade surface water communities and populations including vertebrate, invertebrate, and plant species; b) promote the breeding of mosquitoes, gnats, black flies, midges, or other pests; c) alter the color, create visual contrast with the natural appearance, nor cause aesthetically undesirable discoloration of the receiving waters; d) cause formation of sludge deposits; or e) adversely affect any designated beneficial uses.
7. The Applicant shall allow the Regional Board and its authorized representative entry to the premises, including all mitigation sites, to inspect and undertake any activity to determine compliance with this Certification, or as otherwise authorized by the California Water Code.
8. The Applicant shall not conduct any activities within waters of the State during a rainfall event, or at any period when site conditions would lead to excessive erosion. If any activities are to be held within **five (5) days** of a predicted rainfall event, the Applicant shall stage materials necessary to prevent water degradation on site, and shall ensure that all stabilization procedures are completed prior to the rainfall event.
9. No activities shall involve wet excavations (i.e., no excavations shall occur below the seasonal high water table). A minimum **5-foot** buffer zone shall be maintained above the existing groundwater level. If construction or groundwater dewatering is proposed or anticipated, the Applicant shall file a **Report of Waste Discharge** to this Regional Board and obtain any necessary NPDES permits/Waste Discharge Requirements prior to discharging waste. Sufficient time should be allowed to obtain any such permits (generally 180 days). If groundwater is encountered without the benefit of appropriate permits, the Applicant shall cease all activities in the areas where groundwater is present, file a Report of Waste Discharge to this Regional Board, and obtain any necessary permits prior to discharging waste.



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### Conditions of Certification File No. 04-031

10. All project activities not included in this Certification, and which may require a permit, must be reported to the Regional Board for appropriate permitting. Bank stabilization and grading, as well as any other ground disturbances, are subject to restoration and revegetation requirements, and may require additional Certification action.
11. All surface waters, including ponded waters, shall be diverted away from areas undergoing grading, construction, excavation, vegetation removal, and/or any other activity which may result in a discharge to the receiving water. If surface water diversions are anticipated, the Applicant shall develop and submit a **Surface Water Diversion Plan** to this Regional Board. The plan shall include the proposed method and duration of diversion activities, erosion and sediment controls, and a map or drawing indicating the locations of diversion and discharge points. The plan shall be submitted prior to any surface water diversions. If surface flows are present, then upstream and downstream monitoring for pH, temperature, dissolved oxygen, turbidity, and total suspended solids shall be implemented. These constituents shall be monitored on a **daily** basis during the first week of diversion activities, and then on a **weekly** basis, thereafter, until the in-stream work is complete. Results of the analyses shall be submitted to this Regional Board by the **15th** day of each subsequent sampling month. A map or drawing indicating the locations of sampling points shall be included with each submittal. Diversion activities shall not result in the degradation of beneficial uses or exceedance of water quality objectives of the receiving waters. Any such violations may result in corrective and/or enforcement actions, including increased monitoring and sample collection.
12. The Applicant shall restore the proposed **0.55 acre** of TEMPORARY IMPACTS to waters of the United States and all other areas of temporary disturbance which could result in a discharge or a threatened discharge to waters of the State. The Applicant shall implement all necessary Best Management Practices to control erosion and runoff from temporary work areas associated with this project.
13. All applications, reports, or information submitted to the Regional Board shall be signed:
  - (a) For corporations, by a principal executive officer at least of the level of vice president or his duly authorized representative, if such representative is responsible for the overall operation of the facility from which discharge originates;
  - (b) For a partnership, by a general partner;
  - (c) For a sole proprietorship, by the proprietor;
  - (d) For a municipal, State, or other public facility, by either a principal executive officer, ranking elected official, or other duly authorized employee.

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### Conditions of Certification File No. 04-031

14. Each and any report submitted in accordance with this Certification shall contain the following completed declaration:

“I declare under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who managed the system or those directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations.

Executed on the \_\_\_\_\_ day of \_\_\_\_\_ at \_\_\_\_\_.

\_\_\_\_\_  
\_\_\_\_\_  
(Signature)  
(Title)”

15. All communications regarding this project and submitted to this Regional Board shall identify the Project File Number **04-031**. Submittals shall be sent to the attention of the Nonpoint Source Unit.
16. Any modifications of the proposed project may require submittal of a new Clean Water Act Section 401 Water Quality Certification application and appropriate filing fee.
17. The project shall comply with the local regulations associated with the Regional Board’s **Municipal Stormwater Permit** issued to Ventura County and co-permittees under NPDES No. CAS004002 and Waste Discharge Requirements Order No. 00-108. This includes the Stormwater Quality Urban Impact Mitigation Plan (SQUIMP) and all related implementing local ordinances and regulations for the control of stormwater pollution from new development and redevelopment. The project shall also comply with all requirements of the National Pollutant Discharge Elimination System (NPDES) **General Permit** for Storm Water Discharges Associated with Construction Activity, Order No. 99-08-DWQ. All stormwater treatment systems shall be located outside of any water of the State and shall not be used as a wetland or riparian mitigation credit.
18. Coverage under this Certification may be transferred to the extent the underlying federal permit may legally be transferred and further provided that the Applicant notifies the Executive Officer at least 30 days before the proposed transfer date, and the notice includes a written agreement between the existing and new Applicants containing a specific date of coverage, responsibility for compliance with this Certification, and liability between them.
19. The Applicant or their agents shall report any noncompliance of this Certification. Any such information shall be provided verbally to the Executive Officer within 24 hours from the

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### Conditions of Certification File No. 04-031

time the Applicant becomes aware of the circumstances. A written submission shall also be provided within five days of the time the Applicant becomes aware of the circumstances. The written submission shall contain a description of the noncompliance and its cause; the period of noncompliance, including exact dates and times, and if the noncompliance has not been corrected; the anticipated time it is expected to continue and steps taken or planned to reduce, eliminate and prevent recurrence of the noncompliance. The Executive Officer, or an authorized representative, may waive the written report on a case-by-case basis if the oral report has been received within 24 hours.

#### 20. *Enforcement:*

- (a) In the event of any violation or threatened violation of the conditions of this certification, the violation or threatened violation shall be subject to any remedies, penalties, process or sanctions as provided for under State law. For purposes of section 401(d) of the Clean Water Act, the applicability of any State law authorizing remedies, penalties, process or sanctions for the violation or threatened violation constitutes a limitation necessary to assure compliance with the water quality standards and other pertinent requirements incorporated into this certification.
  - (b) In response to a suspected violation of any condition of this certification, the State Water Resources Control Board (SWRCB) or Regional Water Quality Control Board (RWQCB) may require the holder of any permit or license subject to this Certification to furnish, under penalty of perjury, any technical or monitoring reports the SWRCB deems appropriate, provided that the burden, including costs, of the reports shall be a reasonable relationship to the need for the reports and the benefits to be obtained from the reports.
  - (c) In response to any violation of the conditions of this Certification, the SWRCB or RWQCB may add to or modify the conditions of this Certification as appropriate to ensure compliance.
21. This Certification shall expire **five (5) years** from date of this Certification. The Applicant may request a renewal of this certification 180 days prior to its termination, if the project as described has not been completed. Renewals may be granted in five-year (5-year) increments, are subject to additional filing fees and will require Regional Board approval. If the Applicant fails to request a renewal prior to the certification's expiration, then the Applicant shall submit a new application and appropriate filing fees.